FIRST

A Safegard and a Stay

FOR

Sheriffs, Bayliffs, Serjeants at Mace, and such Officers.

OR

Their VVell doings Justified, and their Evill actings Abolished.

SECONDLY,

With a Preservative against fraudent Executors and Administrators.

THIRDLY,

And for Honest Executors and Administrators from paying more out of their own Estates, then shall come to their hands from Testators or Intestates.

FOURTHLY,

And for Preservation of Shiping from wilfull destruction by deceitfull persons to defraud Purchasors and Creditors of Ships.

In order to the saving to the People of this Nation every year hereafter, a great part of the three Millions of money by Exacting and Monopolizing, Officers formerly yearly from them unlawfully exacted, and formerly proposed to be saved for them, and for the abatement of the extreme and unnecessary charges in the proceedings of the Law.

Written by WILLIAM LEACH of the Middle-Temple.

LONDON, Printed by E. *Cotes*, in the Year 1652.

A Safegard and a Stay FOR Sheriffs, and their Officers, &c.

I. *For avoiding Deceit, by fraudulent conveyances, to hinder Executions, &c.*

WHereas in latter years, more then in Ancient times, many unconscionable people have used and exercised very much fraud; and by divers crafty machinations, and subtill inventions have defrauded many honest people of this Nation of their just and due Debts, Damages, and Demands; and especially after such honest people have obtained Judgments, Statutes, or Recognizances for the same, in defrauding and deluding them of, and hindring them from, the benefit and advantage of their Executions taken out upon the same; some by contriving of secret and fraudulent conveyances of their Goods and Chattalls, Lands and Tenements, with valuable consideration feined in such conveyances; but never truly and really paid, or by feining themselves to stand indebted to severall persons by Bonds, or otherwise; which have been all, or the most part thereof satisfied, and paid, or other security given for the same; and others, by borrowing and taking Money of divers people, and giving Bond, or other security for the same; such money being paid and delivered to such unconscionable people, and such bonds and securities executed to others, as bad as themselves, in the presence of divers honest persons, but after repaid or delivered in private to the parties from whom the same hath been had, and releases thereof given in the presents of divers witnesses, residing or inhabiting in places far remote from the

Creditors and Demandants in, or to ſuch Judgements, Statutes, or Recognizances; and ſuch bonds and ſecurities kept on foot by and between ſuch wicked and unconſcionable perſons, by fraud and practice between them, onely to deceive and defraud ſuch Creditors and Demandants: and many more of ſuch deceitfull and unconſcionable perſons have intermixed the Goods and Chattals of divers of their Aſſociates and Confederates, with others of their Goods and Chattals in ſuch manner, that none other but they, and ſuch other Aſſociates and Confederates could, or can know, or diſtinguiſh any ſuch Goods, Cattell, or Chattels of ſuch unconſcionable perſon, or perſons, from the other Goods, Chattals, and Cattell of ſuch Aſſociates and Confederates; purpoſely to deter Sheriffes, Serjeants, and Bayliffes, and ſuch like Officers from ſerving and executing ſuch Executions, or otherwiſe to ſubject them to actions; (which moſt injuriouſly have been brought againſt many of ſuch Officers, by multitude of ſuch unconſcionable people, and exceſſive damages recovered upon the ſame againſt ſuch Officers of the inferiour ſort;) and the like fraud hath been done and practiſed of, and concerning the Lands and Tenements of ſuch wicked perſons to, and for the fraudulent intents and purpoſes beforementioned: by reaſon whereof, many of ſuch Creditors and Demandants have been conſtrained to part with a great part of ſuch their Debts and Demands before they could have their Executions ſerved, and ſome of them to the value of half thereof, and others to more, to ſuch Officers; ſome whereof have ſneaked away from thoſe, who have uſed to give them beſt ſatisfaction for the buſineſſe, which they have formerly done for them before they would, and have undergone ſuch danger, and relinquiſhed the mony which they have gained by doing ſuch Execution; and divers others of ſuch Sheriffs, and their Deputies, (who have been of a cruel, covetous, and unconſcionable diſpoſition) when they have had executions againſt honeſt meaning men according to their abilities have moſt cruelly exacted great ſums of money out of them, either for ſparing ſuch Execution for a time, or for appriſeing ſuch Goods and Chattals at the full rate, or otherwiſe have cauſed the ſame to be priſed at a great under value, ſometimes to have half thereof, and other times to much leſſe, and to be bought by ſuch their Aſſociates and Con-

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ſederates at ſuch ſmall rates, with whom ſuch Sheriffs and their Officers have ſhared, and divided the ſpoil, and converted it to their own uſes.

It is propoſed to be deſired that it may

Be Enacted, That hereafter it ſhall, and may be lawful to, and for any perſon or perſons (who ſhall have any execution or extent upon any Judgment, Recognizance, or Statute, under the Seal of the Court, where ſuch Judgement, Recognizance, or Statute, be, or ſhall be entred, or Recorded, againſt the Goods and Chattels of any other perſon or perſons) or any other, for, or with him, her, or them together, being above the value in Eſtate of the matter ſo, or ſo to be in queſtion, to repair unto ſuch other perſon or perſons, or any other, (who ſhall have, or be Commonly reputed to have any Goods or Chattals, which at the time of the Date of ſuch Execution or Extent were of any perſon or perſons, againſt whom ſuch Execution or Extent was granted or awarded;) and to enter into, and upon any houſe, or houſes, place, or places; where ſuch Goods or Chattals be, or commonly ſhall be ſuppoſed to be, and there to view, demand and require ſo many of the ſaid Goods and Chattals, as ſhall be of ſufficient value to ſatisfie the Debt or Demand in ſuch Execution or Extent mentioned, or part thereof in ſatisfaction of ſuch Debt or Demand, or ſo much thereof in part, as the value of ſuch Goods or Chattals do, or ſhall amount unto; and to take and carry away the ſame upon reaſonable appriſement of the major part of 3 ſufficient men to be for the one part, and two more for the other (againſt whom ſuch Executions or Extent ſhall be) if any ſuch doe, or ſhall intermeddle therein, or otherwiſe without them, and to ſell the ſame accordingly, and out of the ſame to ſatisfie him, her, or them, in that behalf (reſtoring the overplus to him, her, or them, (againſt whom ſuch Execution or Extent ſhall be) if no claim, deniall, interruption or hindrance be, or ſhall be to, or againſt ſuch entry, view, demand, requeſt, taking, and carrying away, and ſale; he, ſhe, or they, intending to ſell, or cauſe the ſame to be ſold, keeping the ſame ſafe by the ſpace of ten dayes, next after the ſame be, or ſhall be ſo taken, and carried away, and leaving a note of the ſame at the houſe, or houſes, place, or places, (from whence the ſame be, or ſhall be carryed) and that

if such owner, or owners doe, or shall pay or satisfie to such person or persons (who have, or shall have such Execution or Extent) do or shall pay, or satisfie such Debt or Demand within those ten dayes, then such Goods and Chattels shall be delivered safe to such owner or owners without any voluntary imparing of the same; and that during the time of the remaining of the said Goods and Chattals there; the said Writ of Execution shall there remain, and be kept for the said owner or owners, or any person or persons for him, or them, to see, or view; and he or they, or any of them shall, and may be permitted and suffered so to doe.

And that if any such claim, deniall, interruption, or hindrance be, or shall be, and be, or shall be false, unlawfull or untrue; then he, she, or they, acting the same, shall forfeit and loose to the party grieved, or to be grieved in that behalf, the full value of the Debt or Demand in such writ of Execution or Extent, to be recovered by action of Debt, Bill, Plaint, or Information in which, &c. And that after such claim, deniall, interruption, or hindrance, if any be, or shall happen to be, then it shall, and may be lawfull to, and for any Sheriff, Under-sheriff, Deputy, Bayliff, Serjeant at Mace, or other Officer, or any other, who shall have a lawfull and sufficient warrant in that behalf delivered unto him, or them, to doe, or make such Entry, View, Demand, or request in any of such houses or places before mentioned; and so to take and carry away such Goods or Chattals, and so to sell the same, and out of the same to make, and give such satisfaction to such person or persons (who have, or shall have such Execution or Extent) making such restitution; and that if such claime or deniall be, or shall be to any of such Officers, or others, so having, or to have such Writ, or Warrant; then it shall, and may be lawfull to, and for such Sheriff and Sheriffs, his, or their Deputy or Deputies; and that he, or they, shall be authorised and compelled to impannel a Jury for the tryal of the property of such Goods and Chattals, in such manner and form as is mentioned in the Propositions for returning and impannelling of impartiall and honest Jurors; and that if such Jury, upon their inquest thereupon to be found, doe, or shall find the property of such Goods or Chattals to be of such party or parties (against whom such Execution or Extent be, or shall beat

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the time of the Date thereof) then ſuch Sheriff or Sheriffes ſhall, and may ſell the ſame at, and for the beſt rate (which he, or they can) according as ſuch Jurors upon their Inqueſt concerning the ſame ſhall appriſe them, and deliver the money thereof made, or to be made to the ſame perſon or perſons; who ſhall have ſuch Execution or Extent: or otherwiſe to be ſubject and liable to an action of Debt for the ſame to ſuch perſon, or perſons, to be recovered as aforeſaid: and that ſuch Jurors, for finding any thing amiſs in that behalf, ſhall be ſubject to ſuch penalties, as be mentioned in thoſe Propoſitions; and that ſuch choiſe, election, challenge and exceptions, and other circumſtances concerning ſuch Juries or Jurors ſhall, and may be: And that ſuch (who ſhall make any willfull falſe Oath concerning any ſuch things) ſhall be ſubject and liable to the Statutes and Lawes made, uſed, or ordained againſt perjured perſons; and that ſuch Sheriff or Sheriffs be, and ſhall be impowred, and compelled by Warrant to warn and ſummon Witneſſes at the requeſt of any the perſons to be concerned in any ſuch buſineſſe, to teſtifie concerning the ſame. And that if any perſon, ſerved with the ſame to appear as witneſſe, and ſhall not appear and be examined in that behalf, (his coſts being tendered according to the forme of the Statute of the fift year of the late Queen *Elizabeth*) then ſuch Witneſſe ſhall looſe and forfeit, and be ſubject and liable to ſuch Penalties, Debts and Demands, as therein is mentioned.

And that ſuch Sherif and Sheriſs be authoriſed, impowred, and compelled to examine any, who doe, or ſhall challenge, or claim any ſuch Goods or Chattals upon conſideration for Money or Debts formerly owing, or otherwiſe, or any other perſon; and whether or not ſuch party or parties ſo claiming did know, or had notice of the going out of ſuch Execution or Extent.

And that if it doth, or ſhall appear by Inqueſt ſo to be found, that ſuch party or parties ſo claiming had ſuch Goods or Chattals conveyed to him, her, or them after ſuch knowledge or notice; and yet permit the ſame to continue or remain in the place where they were at the time when ſuch Execution or Extent went or iſſued out; or in the hands, cuſtody, or poſſeſſion of the party or parties againſt whom ſuch Execution or Extent is, or ſhall be, his, her, or their ſervant, or ſervants, Agent, or

Agents,

Agents, then ſuch Sheriff or Sheriffs ſhall and may ſeize, take and levy in Execution ſuch Goods and Chattals, notwithſtanding any conveyance, bargain, or ſail thereof, though it were to, or for good and valuable conſideration (the permiſſion of ſuch Goods or Chattals ſo to remain, have been a long time accounted a badg of fraud.) And alſo without ſuch permiſſion, if ſuch Bargainees or any Donees in that behalf had ſuch notice or knowledge, and it be found to be proved, or acknowledged by ſuch Inqueſt.

And that it ſhall, and may be lawfull to, and for any ſuch Sheriff or Sheriffes (to whom ſuch Execution or Extent be, or ſhall be directed, or delivered) or to his or their Deputy or Deputies ſo to repair to ſuch perſon or perſons as aforeſaid (who be, or ſhall be in ſuch repute as aforeſaid) and ſo to enter, view, demand, and require as aforeſaid.

And that every perſon, and perſons who ſhall have the cuſtody or poſſeſſion of any houſe, or place, trunck, cheſt, box, coffer, or other thing, (wherein ſuch Goods or Chattals be, or ſhall be contained, having power of opening the ſame) ſhall and may open, and unlock every of the ſame, for ſuch perſon or perſons having ſuch Execution or Extent, or any ſuch other for him, or them, or for any ſuch Sheriff or Sheriffes.

And that if the Goods or Chattals of any other perſon or or perſons, then of him, her, or them, againſt whom ſuch Execution be, or ſhall be, ſhall have any of their Goods or Chattals intermixt with ſuch Goods and Chattels beforementioned, then it ſhall and may be lawfull to, and for ſuch party or parties ſo having ſuch Execution or Extent to ſeparate the ſame from thoſe Goods or Chattals of ſuch other perſon or perſons (doing the ſame as little hurt as conveniently may be. And that neither ſuch party or parties who have, or ſhall have ſuch Execution or Extent; or any ſuch Sheriff or Sheriffes, his, or their Deputy or Deputies, or any Agent or Agents for any of them, ſhall be ſubject, or liable to any action, moleſtation or trouble for doing or acting any thing, as before is mentioned.

And that every one, who ſhall refuſe, or deny, as before is mentioned to be done, ſhall forfeit, and looſe to the party grieved, or to be grieved thereby, the value of the ſaid Debt or Demand to be recovered as aforeſaid.

II. *A Preſervative for ſaving of the great ſums which Executors and Adminiſtrators upon Dormant Bonds, and other ſecurities have been compeld to pay to the value of the goods and Chattels which were of their Teſtators or Inteſtates, and came to their hands, after they have ſatisfied the like value before claimed and due by, and from, ſuch Teſtators and Inteſtates at their Deceaſes.*

FOraſmuch as many people of this Nation, ſome of them within twelve or fourteen years next before they have departed this life (having uſed great commerſe and trading, and thereby become indebted to divers men) have removed to, and dwelt, inhabited and reſided in divers ſeverall places within twelve or fourteen years next before their departure from this life, ſome into ten or twenty places and ſome far remote the one from the other, where they (by the means aforeſaid, borrowing of money and otherwiſe) have not only become indebted and engaged as Sureties for others, but alſo have entred into Covenants, Articles, Agreements and Promiſes with divers, and have endamaged others by unlawful taking and carrying away divers of their Goods, and Chattels, and otherwiſe: and ſundry and many of ſuch perſons (ſo changing and removing their places of dwellings, habitations and reſidence) have travelled into parts beyond the Seas, and ſome of them there have continued long, and became ſo indebted and engaged, and departed this life; and others of them returned into this Nation again, and here they and ſuch others becoming ſo indebted, have dyed in many ſecret and obſcure places, poſſeſſed of great Eſtates both real and perſonal: ſome before they have payd or ſatisfied all or the greateſt part of ſuch debts, or made ſatisfaction, recompence or amends for breach of ſuch Covenants, Engagements, Articles, Injuries, wrongs and damages, (for which the Executors or Adminiſtrators of ſuch parties ſo dying, have after their departures been liable, ſubject and chargeable to pay, ſatisfie, recompence, or make amends;) and other of them (before they have departed this life) have payd, ſatisfied, made recompence or ſatisfaction for all or the moſt part of ſuch debts, breaches of Covenants, Engagements, Articles, Promiſes, Injuries, Wrongs and Damages, or the greateſt part thereof, but ſome of them in ſuch ſecret and private manner, that it could not be found out or known to ſuch

who have been made Executors of the Teſtaments of, or have had right of Adminiſtration of the Goods and Chattels, Rights and Credits, which have been of ſuch parties ſo departing this life at the time of their departures; by reaſon whereof, many (who have been made, conſtituted or ordained Executors of ſuch Teſtaments, and who had right of ſuch Adminiſtration) (that is to ſay) the *Allies*, or of kindred or blood, of ſuch parties dying, and divers Creditors of ſuch parties ſo dying, and with whom they had ſo broken Covenants, Engagements, or Articles, or ſo injured, wronged or dampnified) have been very fearful of proving of ſuch Teſtaments, or ſuing, or taking out Letters of Adminiſtration of ſuch Goods and Chattels, Rights and Credits, or to intermeddle with the ſame in any wiſe, and upon that occaſion ſome of ſuch parties (ſo made Executors, or having ſuch right of Adminiſtration, and being of good Eſtates) have neglected and forborn the proving of ſuch Teſtaments, or ſuing or taking out Letters of Adminiſtration of their Goods and Chattels for many years together; and others of them have utterly renounced, refuſed, denyed, and never medled with the ſame: By which means divers Parſons of ſmall Eſtates, and ſome of them of ill lives and converſations (no ſuch Allies or &c. for the reaſons aforeſaid, daring to oppoſe them) have by colour of Letters of Adminiſtration (which upon falſe Oaths, being of late too common, or other unlawful practiſes, combinations, and confederacies, and undue means, they have obtained of ſuch Goods and Chattels, Rights and Credits) or otherwiſe, without any Authority at all, taken, gotten and received into their hands, cuſtody and poſſeſſions ſuch Goods and Chattels, Rights and Credits, to very great values, and converted the ſame to their own uſes, and ſpent, waſted and conſumed the ſame in a lewd, wicked and riotous manner; whereby ſuch Creditors, parties, (with whom ſuch Covenants, Engagements, Articles, Agreements and Promiſes were broken or unperformed) and ſuch parties (to whom injuries, wrongs and damages have been ſo offered) and many Legatees and others (to whom divers Gifts, Legacies and Bequeſts in or by ſuch Teſtaments have been given, willed, or bequeathed, and have had right to have had divers ſums of money out of or part of ſuch Goods and Chattels, Rights and Credits, limitted, appointed or ordered by ſuch Judges, Commiſſaries, or others, who have had Authority to grant Letters Teſtamentary of ſuch Executors, or of Adminiſtration of ſuch Goods and Chattels, Rights and Credits,

to be given, payd or ſatisfied, or delivered by ſuch Executors or Adminiſtrators) have loſt, miſſed and failed of ſuch their juſt and due Debts, Damages, Rights, Limitations and Demands; and very many others by the Reaſons aforeſaid (who have proved or cauſed to be proved ſuch Teſtaments, and ſued and taken out ſuch Letters of Adminiſtration, and poſſeſſed themſelves, and diſpoſed of, and intermedled with ſuch Goods and Chattels, Rights and Credits, and have given, payd, ſatisfied and delivered divers of ſuch Gifts, Legacies and Bequeſts, and divers ſums of Money, and Goods, and Chattels, Rights and Credits, ſo limited, appointed and ordered, and by ſuch means diſpoſed of all or the greateſt part of ſuch Goods and Chattels, Rights and Credits) have long after been compelled by Suits at Law, and otherwiſe to pay and ſatisfie divers and ſundry great ſums of Money (out of their own proper Eſtates) for breaches, and not performing of ſuch Covenants, Articles, Engagements, Agreements and Promiſes, and doing of ſuch Wrongs, Injuries and Damages, which have been kept dormant, ſecret and unknown to ſuch Executors and Adminiſtrators, till after ſuch payment and ſatisfaction: And divers others of ſuch Executors and Adminiſtrators (who have paid and ſatisfied many great ſums of money and made recompence and amends for ſuch breaches, and not performing of ſuch Covenants, Articles, Ingagements, & Promiſes, and doing of ſuch Injuries, wrongs, and Damages) have afterwards had many tedious and chargeable Actions brought againſt them, upon many ſleeping Bills, Bonds, and other ſpecialties, which ſuch Executor or Adminiſtrator never knew or heard of till after ſuch payment, ſatisfaction and amends making, and thereby have been conſtrained to ſatisfie out of ſuch their own proper Eſtates, to the full value of ſuch Goods and Chattels, Rights and Credits, (which came to their hands, cuſtodies, or poſſeſſions to be adminiſtred) and much more by reaſon of the tedioufneſs, trouble and Charges for defending ſuch ſuites, till they have tryed whether or not they have been paid or ſatisfied before the deceaſe of ſuch Teſtators or Inteſtates, and in paying and ſatisfying the Charges of the Plaintiffs in ſuch Actions, after they have proved and made appear the debts and demands upon ſuch Bills, Bonds, and ſpecialties to be juſt and due and ſuch Executors and Adminiſtrators brought and compel'd ſuch Plaintiffs upon Bills in Courts of Equity to diſcover upon their oaths the truth in the premiſſes, by reaſon whereof many of ſuch Execu-

tors and Administrators, have sustained great losse and multitudes of them undone; there being no remedy or matter by the Laws of *England* for such Executors or Administrators to plead in Barr Abatement or stay of such Suites before mentioned, upon such dormant and secret Covenants, Articles, Agreements, Engagements or Promises, Wrongs, Injuries or Damages, or upon such Bonds, Bills or Specialties, or for discovery of the same, till after such inconveniencies and mischiefs have happened to such Executors and Administrators.

For Remedy whereof it is proposed, that it may be petitioned to the supream Authority of this Nation, that it may

Be Enacted, That every person and persons, who hereafter be or shall be made Executors of the Testament or last Will of any Testator, or shall take or sue out Letters of Administration of the Goods and Chattels (which were or shall be of any Intestate at the time of his or her death) shall and may before he, she or they do or shall prove any Will of such Testator, and take or sue out Letters Testamentary upon the same, or take or sue out Letters of Administration of the Goods and Chattels (which were or shall be of such Intestate at the time of his or her death) deliver or cause to be delivered a note in good Parchment fairly written of the particular times and places when or where such Testator or Intestate departed this life, and of every of their places of dwelling, habitation and residence by the space of four weeks together in every year of twelve years next before such Testator or Intestate do or shall depart this life, and of the dwellings, habitations or residences of every of such Executor or Executors, and Administrator or Administrators, or so intended, into the Office mentioned in the *Propositions* for recording of Deeds and Evidences, &c. to be entered by the Officer there mentioned in those *Propositions*, as shall or may be constituted by the supream Authority of this Nation, or into some other Office, and there to be entered by some other Officer by the same Authority in that behalf to be ordained, constituted, or appointed; and that such Officer shall and may immediately file and safely keep the same in an Alphabetical manner, and keep an Alphabetical Book for the ready, speedy and easie finding of the same; and that also immediately after such delivery of such Note so to be filed and kept, such Officer shall send and issue forth Writs of Proclamation of every of such Notes (containing the tenor and matter of such respective Note,) and direct

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every of ſuch Writs to the Sheriff or Sheriffs of every of the particular Counties, Cities, or peculiar Corporations, in which every of ſuch places of dwelling, habitation or reſidence be or ſhall be: And that every of ſuch Sheriff or Sheriffs, immediately after the delivery of ſuch Writ to him or them, ſhall make or cauſe to be made three ſeveral Proclamations of the tenor and matter of ſuch Writ in manner and form following (that is to ſay) One of the ſaid Proclamations to be at the door of the Pariſh Church, or Chappel, or, &c. (where every ſuch place or places of dwelling, habitation or reſidence of ſuch Teſtator or Inteſtate be or ſhall be) on the Lords day next after Sermon, or, &c. there ended, and the Congregation of the Pariſhoners of ſuch Pariſh from thence beginning to depart; another of the ſaid Proclamations at the County Court, or other Court of Common Pleas, of ſuch Sheriff or Sheriffs in ſuch his County, or ſuch City or peculiar Corporation, and the other of the ſame Proclamations at the General Seſſions of the Peace, of and for every ſuch County, City or peculiar Corporation in the parts where every ſuch places of dwelling, habitation or reſidence be or ſhall be: And that every of thoſe Proclamations ſhall be ſo made at ſuch Church door, ſuch County, or ſuch other Court, and ſuch general Seſſions of the Peace (which be or ſhall happen to be before the end of three Moneths next after ſuch delivery of ſuch Writ to ſuch Sheriff or Sheriffs) and that every ſuch Sheriff immediately after ſuch Proclamation made, ſhall return or write on the back of ſuch Writ, or indorſe upon it, how the ſame was or ſhall be executed, and make or cauſe to be made a true Copy of ſuch Writ, Return, Writing, or Indorſement (fairly written on good Parchment) and deliver or cauſe to be delivered the ſame to the Keeper of the Rolls of ſuch County, City, or peculiar Corporation of the parts where ſuch places of dwelling, habitation or reſidence be or ſhall be, and that ſuch Keeper of the Rolls immediately after the delivery to him of ſuch Copy ſhall file and ſafe keep the ſame in an Alphabetical manner, and alſo keep an Alphabetical Book, for the ready, ſpeedy, and eaſie finding of the ſame; and that ſuch Sheriff or Sheriffs immediately after ſuch coppy is or ſhal be ſo made, ſhal ſend and deliver or cauſe to be ſent and delivered ſuch Writ ſo returned, written on, or Indorſed to the Office and Officer before mentioned in or of ſuch Office; and that ſuch Officer ſhall there file and ſafe keep the ſame affixed to ſuch Note in parchment, ſo firſt delivered or to be delivered, to be filed and ſafely kept.

And

And that if after such Proclamations so made and retorned, any person or persons (to whom such Testator or Intestat owed any thing, at the time of his or her death, by Bill, Bond, or otherwise by any specialty, or to whom any duty thing or demand was, or shal be due, by or from such Testator or Intestat without specialty, or for which he or she, be or shal be lyable or chargeable to satisfie, or make any amends or recompence for, at the time when he or she departed this life) do not nor shal prosecute or sue for, or give notice to the Executor or Executors (who do or shal prove or cause to be proved any such Testament or Will of any such Executor, and sue or take out such Letters Testamentary, or to the Administrator or Administrators who do or shal take, or sue out Letters of Administration of the Goods and Chattels, which are or shal be of such Intestat, at the time of his or her departure from this life) of any Debt, Duty or Demand owing by Bill, Bond, or otherwise, by any specialty, or without specialty, or for which such Testator or Executor be or shall be so liable or chargeable within the space of three days (for every twenty miles distance of such dwelling, habitation or residence of such person or persons, Creditor or Demandant, from the place of the dwelling, habitation or residence of such Executor or Executors, Administrator or Administrators) next after such Writ or Proclamation so retorned, written on, or indorsed, if within that time such party so to give notice be not in that time hindered to travel, or miscarry, or be stayed in his or their Journeys thereabout by some inevitable occasion; and if so, then within some convenient time next after, that then if he, she or they do or shall pay or satisfie, or cause to be payd or satisfied, to any such Creditor or Demandant any such Debt, Duty or Demand, or thing so chargeable and liable (being true and real within 20 days next after Suit begun, and appearance and declaration for the same, and the same bona fide (in good faith) be or shall be a just and due Debt or Demand) or any Gift, Bequest, or Legacy, which be or shall be given or bequeathed by any Testament of any such Executors, or limited, given or bequeathed by any Will annexed or to be annexed to any such Letters of Administration, or otherwise limited or charged upon or for such Administrator or Administrators to pay or satisfie by any Judg or Commissary, or other, (who do or shall grant such Letters of Administration, and have or shall have power and authority to do the same) the same matter shal or may be pleaded to in special in writing by,

by, and be a ſufficient Bar (for ſo much only as is or ſhall be ſo ſatisfied) for ſuch Executor or Adminiſtrator, Executors or Adminiſtrators [concerning all and every or any of ſuch Dues, Duties, Things or Demands without ſpecialty] againſt all, every or any of ſuch Debts, Duties or Demands by any of ſuch Bills, Bonds or Specialties; and [concerning ſuch Gifts, Legacies and Bequeſts in ſuch Teſtaments, and ſuch Limitations and Charges ſo to be limited, or charged by ſuch Judg, Commiſſary, or other, as aforeſaid] not only againſt all, every, or any of ſuch Debts, Duties, Things or Demands; but alſo againſt all, every, or any of ſuch Dues, Duties, Things or Demands without ſpecialty, concerning all and every ſuch Creditors and Demandants (who do or ſhall dwell, inhabit or reſide, in any of ſuch places (where any of ſuch Proclamations be or ſhall be made,) or in any of ſuch places (where ſuch Teſtator or Inteſtate within the twelve years aforeſaid did dwell, inhabit or reſide.)

And that if any of ſuch Executors or Adminiſtrators (who do or ſhall cauſe or procure ſuch Notes and Proclamations ſo to be written, made and delivered in) be or ſhall be ſued or perſecuted for any of ſuch Debts or Demands upon Bills, Bonds or Specialties, or for any of ſuch Dues, Duties, Things or Demands without ſpecialty, or for ſuch Gifts, Bequeſts or Legacies, Limitations or Charges aforeſaid before the end of two Months next after the iſſuing out of ſuch Writ of Proclamation, then every of ſuch Executors or Adminiſtrators (who ſhall be ſo ſued and proſecuted in any Court, and there, or to ſuch party or parties ſo ſuing or proſecuting, do or ſhall put in ſufficient Security, to ſatisfie ſuch party or parties, ſo ſuing or proſecuting, ſo much as he, ſhe or they ſhall recover and obtain by ſuch Suit, as was or ſhall be recoverable by him, her or them at the time of the putting in of ſuch ſecurity before any other Demand (of which ſuch matter in Suit then had, or at ſuch time ſhall have, priority in Law) ſo far as the Goods and Chattels which were of ſuch Executor or Adminiſtrator at the time of his or her death) may plead or alledg the ſame in ſuch Court, ſpecially in abatement or ſtay of ſuch Suit; and the ſame then to ſtay till after three Moneths next after the delivering in of ſuch Note ſo fairly written in Parchment as aforeſaid, or proving of ſuch Will, or taking or ſuing out ſuch Letters of Adminiſtration.

And that all and every of ſuch Sheriff and Sheriffs, Keeper and Keepers of Rolls, Officer and Officers before mentioned, and thoſe alſo

alſo mentioned in the *Propoſitions* before mentioned, ſhall have a competent Penſion, Stipend or Salary, for acting, doing, and performing their Duties, to be acted, done and performed as aforeſaid; or otherwiſe take and receive after the rates following, and no more, (that is to ſay) for Filing and keeping of every of ſuch Note four pence, and putting the ſame into ſuch an Alphabetical Book four pence; And for every ſearch of every of ſuch thing, or proclamation or Retorn thereof four pence; and for every Copy of every of ſuch Note or writing ſix pence for the firſt ſheet, and for every ſheet more thereof (which ſhall contain 120 words therein, or more) four pence; And ingroſſing and writing of every of ſuch Writs of Proclamation and Retorns or Endorſments of the ſame, and ſuch Note ſo to be delivered into ſuch Keeper of Rolls after the rate of ſix pence for a hundred words, contained or to be contained in the ſame, and for making of every ſuch Proclamations ſix pence.

And that every of ſuch Officer in ſuch ſuperior place, by himſelf or lawful Deputy in that behalf, ſhall attend his Office between the hours of eight and ten in the forenoon, and two and four in the afternoon of four days in every week of the year, or ſome time ſo to be thought convenient. And that all and every of ſuch Sheriff and Sheriffs, Keeper and Keepers of Rolls, Officer and Officers before mentioned, be and ſhall be impowered, authorized and compelled to act, do and perform all and every Act and Acts, thing and things by them before mentioned, to be done and performed reſpectively, upon and under pain and penalty that every of ſuch Sheriff or Sheriffs, Keeper of Rolls, and other Officer, ſhall forfeit, loſe, and pay to every party to be grieved in any of the premiſſes ten pounds, and all other damage ſuſtained or to be ſuſtained by ſuch party ſo grieved or to be grieved in that behalf, or ſome other ſum of money, or penalty ſo to be thought convenient, to be recovered in ſuch manner as is mentioned in the Propoſals for Acts for continuance of the Keeping of the Terms where Ancients they have been kept.

A Proviſo to be in ſuch Act.

Provided that no ſuch Sheriff or Sheriffs ſhall be bound or liable to make or cauſe to be made any ſuch of ſuch or ſuch Proclamations, or to deliver any Note to any ſuch Keeper of the Rolls, or to make any ſuch retorn or delivery of ſuch Proclamations, until he ſhall be payd in hand ſo much as is or ſhall be payd to ſuch Keeper or Keepers of Rolls, and after ſuch payment ſuch Sheriff ſhall deliver the money

ſo

so to him payd to such Keeper of such Rolls, upon and under the pains and penalties before mentioned.

And that no such Sheriff or Sheriffs be or shal be compel'd to retorn or deliver in any Writ of Proclamation so retorned or endorsed, unless he shall be satisfied his money, after the rate aforesaid, for what he is or shall be to act or do, as aforesaid, or the same left in such superior Place with such Officer there, for such Sheriff to receive upon the delivery of such Writ so retorned or endorsed: And that such Officer, upon delivery in to him of such Writ by such, shall pay unto him the same money, under the same pain and penalty before mentioned.

And that every one, to whom such debts and demands be or shall be due by such Bill, Bond, or specialty (or otherwise, or for whom damages be or shall be recoverable) and shall claim the same of any of such Executors or Administrators, shall from time to time confess how much thereof is or shall be satisfied, and demand no more, and shall upon payment or satisfaction thereof deliver unto such of such Executors or Administrators (of whom he, she or they do or shall receive or demand the same) such Bills, Bonds, and Specialties, and inform such, of such Executors or Administrators of all parties (which he, she, or they, so receiving or demanding, do or shall know or have, or have or shall have certain intelligence or information of who can or shall be able to witness or testifie any thing material concerning such debts or demands, for the benefit of such Executors or Administrators) and where every of them do or shall inhabit, dwell and reside, and what the names of every of them be or shall be, as far as such parties so demanding do or shall know, or have been or shall be informed upon every reasonable request in that behalf, upon and under pain and penalty that such of such parties (who shall fail or make default in any of the premisses) shall lose and forfeit, and pay to every party grieved, or to be grieved, in the premisses, the value of the debt, demand, or thing, in or concerning which such failer or default be or shall be, to be recovered as before mentioned.

III. *Another Preservative for prevention of Frauds and Neglects used by Executors and Administrators, whereby many Creditors have lost great Sums of Money.*

WHereas divers Executors and Administrators (after that [illegible] be proved, the Testament

of divers Teſtators whereof they have been made Executors; and took and ſued out Letters of Adminiſtration of the Goods and Chattals, Rights and Credits, which have been of ſundry Inteſtates, at the time of their Deceaſes,) have been ſo negligent, and ſome of them been ſo peeviſh, that they have neglected and forborn to call in, or ſue for many Debts, Duties and Demands (which have been owing and due to ſuch Teſtators and Inteſtates at the times when they have departed this life, and after their departures, recoverable by ſuch Executors and Adminiſtrators:) And others of them (after they have heard of many Debts, Duties and Demands owing to, and due to ſome perſons whom they have not well affected) have been ſo ſpiteful and malicious to ſuch perſons, that they have not onely ſo neglected and forborn, but utterly refuſed and denyed to call in, receive, and take a great part of ſuch Goods and Chattals, Rights and Credits, and to make, or cauſe to be made, a true and perfect Inventory thereof, and therein a true apprizement and valuation of ſuch Goods and Chattals, and to put the ſame into ſuch Court, where ſuch Will be or ſhall be ſo proved, or Letters of Adminiſtration ſued or taken out, or to give and deliver unto any of ſuch Creditors a true copy thereof, upon demand and payment, or tender of competent ſatisfaction for the ſame; or to aſſign unto any of ſuch Creditors or Demandants any of ſuch Goods and Chattals, Rights and Credits, in payment and ſatisfaction of any ſuch Debts, Duties, or Demands, though divers of ſuch Creditors and Demandants have often deſired and required ſuch Executors and Adminiſtrators to make ſuch Aſſignments, and offered to give them good and ſufficient ſecurity to ſave them harmleſs, againſt all Suits (which ſhould or might be brought againſt them concerning the ſame,) and to ſatisfie and pay to them the reſidue and overplus (which they ſhould recover and obtain by vertue of ſuch Aſſignments) and diligently to proſecute and ſue for the ſame, and not ceaſe, ſtay, delay or forbear the proſecuting of ſuch Suits, without the conſent of ſuch, of ſuch Executors or Adminiſtrators (whodo or ſhall make any of ſuch Aſſignments:) By reaſon of which neglects, forbearances, refuſals and denyals, many diſhoneſt people, of idle and ill life and converſation, have carryed away moſt, or a great part, of ſuch Goods and Chattals, Rights and Credits, and waſted and conſumed the ſame in a riotous and vicious way, and many Debtors and others (from whom great Demands and Duties were due to ſuch Teſtators and Inteſtates at the times of their deceaſes, and recoverable by ſuch Teſtators and Inteſtates) have [illegible]

vant, some by casualty, and others by such riot and vice: upon which occasion such Creditors and Demandants have lost and been deprived of many Debts and Demands of great value.

And divers of such Executors and Administrators have fraudulently permitted, confessed and suffered divers Judgments, and other matters of record, upon and for feigned Debts and Demands, pretended to be owing and due by and from such Testators and Intestates, at such times before mentioned; or which have all, or the most part thereof, been satisfied; and set and kept on foot and pleaded divers Judgments, Statutes and Recognizances, and other matters of Records, remaining against such Testators and Intestates, to the intent to deceive and defraud such Creditors and Demandants of their just and due Debts, Duties and Demands.

And whereas, to the intent before mentioned, divers of such Executors and Administrators have caused many of such Goods and Chattals to be under-prized and under-valued; And others of them divers of such Debts, Demands, Rights and Credits to be left out of such Inventories; And the same, and the witnesses to the same, to be kept secret and concealed; whereby divers such Creditors and Demandants have been defrauded and cheated of many great Debts and Demands.

For prevention whereof, it is proposed to be desired that it may

Be Enacted, That every Executor and Executors (who shall prove or caused to be proved the Testament or last Will of any Testator) And every person and persons (who do or shall take or sue out Letters of Administration of the Goods and Chattals which be or shall be of any Intestate at the time of his or her death) shall deliver an Inventory of all the Goods and Chattals (which be or shall be of such respective Testator or Intestate, at the time of his or her death) And of all the Debts, Duties and Demands (which be or shal be owing or due to any such Testator or Intestate; or of such part thereof, or which the Executor of the Testament of such Testator, or the Administrator to whom Letters of Administration of the Goods and Chattals, Rights and Credits (which be or shall be of any such Intestate, at the time when he or she do or shall respectively depart this life) shall or may come to the knowledge or certain Intelligence of: And of all the Debts, Duties and Demands (which to such, of such Testators or Intestates due or owing at such their Departures, and by what matter of Record, Specialty or otherwise every particular

thereof is, or hath, or ſhall be paid or ſatisfied to ſuch of ſuch Teſtators or Inteſtates, Executors or Adminiſtrators, or to their or any of their uſe or uſes, as far as they do or ſhall know and have certain and credible Information of, into the Court where ſuch Teſtament ſhall be proved, and out of which Letters Teſtamentary of ſuch Teſtaments or Letters of Adminiſtration of the Goods and Chattals, Rights and Credits, which be or ſhall be of ſuch Inteſtate at the time of his or her death within twelve weeks next after the proving of ſuch Teſtament, or ſuing or taking out ſuch Letters of Adminiſtration, or within eight weeks next after every reaſonable requeſt thereof, made or to be made by any Creditor or Demandant, of any deb', duty or demand due by or from ſuch Teſtator or Inteſtate, at the time of his or her death, or of any Legatee of ſuch Teſtator or party for whom ſuch Limitation ſhall be, And that no ſuch Executor or Adminiſtrator ſhall wittingly or willingly leave or permit or ſuffer by any connivance or otherwiſe to be left out of ſuch Inventory any Debt or Demand, either good ſperate or deſperate, or other recoverable or in a poſſibility of recovery by any ſuch Executor or Adminiſtrator, or any of the Goods and Chattals which be or ſhall be of any Teſtator or Inteſtate at the time of his or her departure from this life, nor any of ſuch debts, duties or demands ſo due or owing to any of ſuch Teſtators or Inteſtates, or the particular of ſuch payments and ſatisfactions, nor ſhall undervalue or underprize, or cauſe or wittingly or willingly by any combination, confederacy or practiſe, or by any connivance or otherwiſe, permit or ſuffer any part or parcels of ſuch Goods or Chattals to the value of two ſhillings or above, nor ſhall wittingly or willingly permit, confeſs or ſuffer judgment upon or for any feigned debts or demands or other, for more then is or ſhall be due and unpaid by or from ſuch of ſuch Teſtators or Inteſtates at ſuch their departure, nor plead or ſet on foot, to or againſt any of ſuch Creditors or Demandants, any Judgment or other matter of Record, Bond or Specialty or other thing ſatisfied or otherwiſe, for more thereof then is or ſhall be unpaid or ſatisfied, upon and under pain that every of ſuch Executors and Adminiſtrators making default in any of the Premiſſes, ſhall forfeit and loſe, and pay to every party to be grieved in that behalf, double the value of every part & parcel of ſuch Goods and Chattals ſo underprized or undervalued; and beſides ſo much as every party to be ſo grieved ſhall ſuſtain in that behalf, to be recovered as

miniſtrators, immediately next after the proving of ſuch Teſtament, or ſuing out of ſuch Letters of Adminiſtration, or within convenient time next after requeſt made by any Creditor or Demandant, or Legatee of any of ſuch Executors or Adminiſtrators, ſhall ſue and proſecute with effect, all ſuch who do or ſhall owe any thing to any of ſuch Teſtators or Inteſtates, at the time of his or her death, or from whom any thing be or ſhall be recoverable by any of ſuch Executors or Adminiſtrators of ſuch Teſtators or Inteſtates; and not wilfully forbear or ſurceaſe the ſame, until he, ſhe or they ſhall recover or obtain the ſame, or ſatisfaction for ſo much; or otherwiſe upon requeſt of ſuch Creditor or Creditors, Demandant or Demandants, Legatee or Legatees, or party or parties, (for whom ſuch orders or Limitations was, be or ſhall be made, and after ſuch demand and payment, or tender and ſecurity given, aſſign, convey and transfer the ſame over to him, her or them who ſhall have priority in Law to be firſt ſatisfied, to every one in order reſpectively as he, ſhe or they ſhall have ſuch priority:) And that every of ſuch Executors and Adminiſtrators be impowered and authorized to make ſuch aſſignments, And impower and authorize him, her or them reſpectively, and in order as aforeſaid, to recover and receive the ſame, ſo far as every ſuch reſpective Debt or lawful Demand do or ſhall extend; And that ſuch Aſſignment, Conveyance and Tranſlation, Power and Authority, to be and ſhall be good, valid and available in Law to every ſuch Aſſignee and Aſſignees to all intents and purpoſes for every or any ſuch Aſſignee or Aſignees, to ſue or proſecute for ſuch Debt, Duty or Demand, in his, her or their own name or names, And that after notice thereof given to any (who did owe any thing to any Teſtator or Inteſtate, at the time of his or her death, or by or from whom any be or ſhall be to be recovered, or recoverable againſt any ſuch Executor or Adminiſtrator of any ſuch Teſtator or Inteſtate, by reaſon of his, her or their Executorſhip, or Adminiſtratorſhip) every Releaſe, Acquittance or diſcharge of him, her or them given or to be given to every and any ſo owing, or by or from whom any ſuch thing were or ſhall be ſo owing or due, ſhall be invalid, void and of none effect.

And all and every of ſuch Executors and Adminiſtrators (who do or ſhall ſo aſſign) ſhall deliver unto ſuch Aſſignee or Aſſignees all Bills, Bonds and Specialties concerning the things ſo to be aſſigned; who after recovery of ſo much, for which they were or ſhall [illegible] of ſuch Executors or Admini-

thereof is, or hath, or ſhall be paid or ſatisfied to ſuch of ſuch Teſtators or Inteſtates, Executors or Adminiſtrators, or to their or any of their uſe or uſes, as far as they do or ſhall know and have certain and credible Information of, into the Court where ſuch Teſtament ſhall be proved, and out of which Letters Teſtamentary of ſuch Teſtaments or Letters of Adminiſtration of the Goods and Chattals, Rights and Credits, which be or ſhall be of ſuch Inteſtate at the time of his or her death within twelve weeks next after the proving of ſuch Teſtament, or ſuing or taking out ſuch Letters of Adminiſtration, or within eight weeks next after every reaſonable requeſt thereof, made or to be made by any Creditor or Demandant, of any deb', duty or demand due by or from ſuch Teſtator or Inteſtate, at the time of his or her death, or of any Legatee of ſuch Teſtator or party for whom ſuch Limitation ſhall be, And that no ſuch Executor or Adminiſtrator ſhall wittingly or willingly leave or permit or ſuffer by any connivance or otherwiſe to be left out of ſuch Inventory any Debt or Demand, either good ſperate or deſperate, or other recoverable or in a poſſibility of recovery by any ſuch Executor or Adminiſtrator, or any of the Goods and Chattals which be or ſhall be of any Teſtator or Inteſtate at the time of his or her departure from this life, nor any of ſuch debts, duties or demands ſo due or owing to any of ſuch Teſtators or Inteſtates, or the particular of ſuch payments and ſatisfactions, nor ſhall undervalue or underprize, or cauſe or wittingly or willingly by any combination, confederacy or practiſe, or by any connivance or otherwiſe, permit or ſuffer any part or parcels of ſuch Goods or Chattals to the value of two ſhillings or above, nor ſhall wittingly or willingly permit, confeſs or ſuffer judgment upon or for any feigned debts or demands or other, for more then is or ſhall be due and unpaid by or from ſuch of ſuch Teſtators or Inteſtates at ſuch their departure, nor plead or ſet on foot, to or againſt any of ſuch Creditors or Demandants, any Judgment or other matter of Record, Bond or Specialty or other thing ſatisfied or otherwiſe, for more thereof then is or ſhall be unpaid or ſatisfied, upon and under pain that every of ſuch Executors and Adminiſtrators making default in any of the Premiſſes, ſhall forfeit and loſe, and pay to every party to be grieved in that behalf, double the value of every part & parcel of ſuch Goods and Chattals ſo underprized or undervalued; and beſides ſo much as every party to be ſo grieved ſhall ſuſtain in that behalf, to be recovered as

miniſtrators, immediately next after the proving of ſuch Teſtament, or ſuing out of ſuch Letters of Adminiſtration, or within convenient time next after requeſt made by any Creditor or Demandant, or Legatee of any of ſuch Executors or Adminiſtrators, ſhall ſue and proſecute with effect, all ſuch who do or ſhall owe any thing to any of ſuch Teſtators or *Inteſtates*, at the time of his or her death, or from whom any thing be or ſhall be recoverable by any of ſuch Executors or Adminiſtrators of ſuch Teſtators or *Inteſtates*; and not wilfully forbear or ſurceaſe the ſame, until he, ſhe or they ſhall recover or obtain the ſame, or ſatisfaction for ſo much; or otherwiſe upon requeſt of ſuch Creditor or Creditors, Demandant or Demandants, Legatee or Legatees, or party or parties, (for whom ſuch orders or Limitations was, be or ſhall be made, and after ſuch demand and payment, or tender and ſecurity given, aſſign, convey and transfer the ſame over to him, her or them who ſhall have priority in Law to be firſt ſatisfied, to every one in order reſpectively as he, ſhe or they ſhall have ſuch priority:) And that every of ſuch Executors and Adminiſtrators be impowered and authorized to make ſuch aſſignments, And impower and authorize him, her or them reſpectively, and in order as aforeſaid, to recover and receive the ſame, ſo far as every ſuch reſpective Debt or lawful Demand do or ſhall extend; And that ſuch Aſſignment, Conveyance and Tranſlation, Power and Authority, to be and ſhall be good, valid and available in Law to every ſuch Aſſignee and Aſſignees to all intents and purpoſes for every or any ſuch Aſſignee or Aſignees, to ſue or proſecute for ſuch Debt, Duty or Demand, in his, her or their own name or names, And that after notice thereof given to any (who did owe any thing to any Teſtator or *Inteſtate*, at the time of his or her death, or by or from whom any be or ſhall be to be recovered, or recoverable againſt any ſuch Executor or Adminiſtrator of any ſuch Teſtator or *Inteſtate*, by reaſon of his, her or their Executorſhip, or Adminiſtratorſhip) every Releaſe, Acquittance or diſcharge of him, her or them given or to be given to every and any ſo owing, or by or from whom any ſuch thing were or ſhall be ſo owing or due, ſhall be invalid, void and of none effect.

And all and every of ſuch Executors and Adminiſtrators (who do or ſhall ſo aſſign) ſhall deliver unto ſuch Aſſignee or Aſſignees all Bills, Bonds and Specialties concerning the things ſo to be aſſigned; who after recovery of ſo much, for which they were or ſhall [illegible] of ſuch Executors or Admini-

ſtrators (who made or ſhall make ſuch Aſſignment or Aſſignments) or the overplus of the Mony over & above ſuch Debts or Demands (which ſuch Aſſignee or Aſſignees ſhall ſo recover, and alſo obtain.

And that if any of ſuch Executors or Adminiſtrators do, or ſhall refuſe or forbear, or forceaſe ſo to ſue or proſecute; or ſo to Aſſign or ſo to deliver ſuch Bils, Bonds, and Specialties, then the ſame ſhall be deemed and taken to be a waſting or devaſtation in Law, of ſo much as ſuch Debt or Demand doth or ſhall amount to, and ſuch of ſuch Executors or Adminiſtrators (making default in any of the premiſes, to pay and ſatisfie to ſuch Creditor, Demandant, or Legatee, the value thereof out of his, her or their own Eſtate) upon and under pain to forfeit and loſe, and pay to every party to be grieved in that behalf, the value thereof to be recovered, &c. And that every ſuch apprizement and valuation in ſuch Inventory ſhal be upon oaths of credible perſons (who ſhal depoſe the truth thereof, according to their and every of their Judgement and knowledge, before any Juſtice aſſigned to keep the Peace neer the place where ſuch goods and Chattals be or ſhal be; And he be impowred and Authorized to Adminiſter and take ſuch Oaths without Fee. And that if any who do or ſhall depoſe ſuch oath do depoſe any thing wilfully falſe, that then they ſhal and may be ſubject and liable to the paines and penalties provided againſt perjured perſons, by and in Laws and Statutes of this Nation; and that every of ſuch Executors or Adminiſtrators ſhall upon every reaſonable requeſt of ſuch Creditors or Demandants, Legatees or Parties (for whom any of ſuch Limitations or Orders ſhal be) deliver or cauſe to be delivered from time to time a true Note of all and every the particulars, Goods and Chattals and certainties of all and ſingular the Rights and Credits (which they ſhall, after ſuch firſt Inventory ſo delivered, have, receive in, obtain, recover or come to the knowledge of ſuch party ſo requeſting, tendering, giving, or paying for the ſame at the rate of 2 d for every 120 words thereof) And that every of ſuch Executors and Adminiſtrators upon the like requeſt ſhall truly tell, inform, and give notice of every part and parcel of ſuch the goods and chattals, and where they be or ſhall be, to, and permit and ſuffer all and every of ſuch Creditor or Demandants, Legatees or parties (for whom any ſuch limitations or Orders ſhal be) with one or two credible men to come to, and view, and to ſee the ſame without moleſtation or hindrance; and that all and every perſon and perſons (who ſhall have the cuſtody or keeping of, or in whoſe cuſtody the ſame be or ſhall be, and he, ſhe,

And that every of ſuch Executors and Adminiſtrators ſhall give ſuch Intelligence, notice, and Information to any ſuch parties before mentioned, ſo to requeſt upon ſuch requeſt of the Names, Profeſſions and Callings, of all and every the parties (from whom any Duty or Demand, was or ſhall be due to ſuch Teſtator or Inteſtates) at ſuch the times before mentioned, and of every particular County, City, Town, and Village, and Pariſh where they have dwelled or ſhall inhabit, dwell or reſide, and the like of all and ſingular of the Witneſſes concerning the ſame (which any of the parties ſo requeſting do or ſhall know, or have or ſhall have certain Intelligence or Information of, who can or ſhall be able to Witneſſe or teſtifie any thing material concerning the recovery of any of ſuch Debts, Duties, or Demands) upon and under pain and penalty that ſuch of ſuch parties (who do or ſhall fail or make default in any of the premiſſes) ſhall loſe and forfeit and pay to every party grieved or dampnified, or to be grieved or dampnified in the premiſſes, the value of ſuch Debt, Duty, or Demand (in or concerning which ſuch default or fayler be or ſhal be) to be recovered as before mentioned.

IV. *For Preſervation of Shipping from wilful Deſtruction, by deceitful Perſons, to defraud Purchaſers and Creditors of ſhips bought, and money lent upon the ſame. And for increaſe of ſhiping for this Nation.*

FOr as much as divers Merchants and others (who have bought or lent money upon Ships, and took ingagements thereof for the ſame money) have been deprived of the benefit of ſuch ingagements, and loſt their monies ſo paid for, or lent upon ſuch ſhips, by reaſon of former Dormant bargaines, ſales, and ingagements upon the ſame.

And whereas ſeverall perſons (who have lent money to be paid with increaſe when Ships ſhall return into ſeverall Ports, or otherwiſe ſuch money was never to be paid, commonly called *Bottomre*) have been defrauded of ſuch money by reaſon more money hath been lent upon ſuch conditions then the Ship ſo to return hath been worth, and ſuch loan kept ſecret, and afterward ſuch Ship fraudulently run on ground and wilfully ſuffered to periſh, to prevent payment of ſuch money, by which means if not prevented many ſhips may be ſo loſt, being in the nature of Walls to this Nation.

And divers ſuch fradulent perſons who have borrowed money to be paid upon Ships at the return thereof, when any ſuch Ships hath

It is proposed to be desired, that a Petition may be to the supreme Authority of this Nation, That it may

Be enacted, That no Ship, her Tackling or Apparel, hereafter shall be liable to or for the payment or satisfaction of any Debt or Demand for which she be or shall be charged or engaged, or shall be held by any who do or shall buy the same, unless such engagement or sale be or shal be recorded or entred in both the places mentioned in the former recited *Proposals* or *Propositions*, and in such manner in a peculiar book to be kept for that purpose: And that if any such Entry or Record shall be done, as hereafter is mentioned, against any who buy or shall buy the same for good consideration, or any to whom they be or shall be engaged and so entred. *W. L.*

For if this above were so done, every one may be certain of good and certain security, and not be defrauded of his money to be payd for or engaged upon the security of any Ship, as too often hath been used after divers have been at great Charges about the Tackling and Apparel of some of such Ships, far beyond the value of the bottom or hulk thereof, and all other things belonging unto her, at the time when she was so sold or engaged. E. L.

And that no Ships hereafter be or shall be liable or chargeable to or for the payment of any money concerning any such Bottomre before mentioned onely, as against those or any of them who do or shall so lend or deliver any money upon the security of such Ship, and first so cause —— the same to be entred or recorded, ——unless the mony so lent or delivered upon Bottomre be or shall be so entred or Recorded, and upon what, and upon what ship by name, and the name of those ———————— who were the Master and Owner or Owners thereof when such Mony was so lent or delivered, and where she then rid, —— lay, or remained. *W. L.*

To the end and intent that every one, who do or shall deliver any Mony upon such condition of *Bottomre*, may view and see in such Records or Entries how far any such Ship is or shall be charged, that he, she, or they may take security upon such loan or delivery for charging of such Ship before she do or shall sail or pass out of any such Port or Harbor for the Repayment of such Mony so to be lent or delivered, if she be or shall be charged or engaged for Mony above her value, or for more then they do or shall think convenient & agree upon, by which means now the loan of Mony is so low, men will be willing to lend Mony upon these conditions, which will much ad-